App.F.IX-4

1926. (courts)

File No. 287-26

Serial Nos. 1-2

Previous References
No 72-20-2
" 103-25-2

Later references.
No 281-27 (1)
CS 19-43 (64)

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for June 1927

SUBJECT

Exemption of Sri Raja Lakshmana Swamigalu of Sri Akobhilya ~~Swamii~~ Mutta Swamii Matha at Kurnool, Guntur Dist from personal appearance in civil courts.

Memo P. 65788 30-6-27 To see Confidl. notifn as above

Mysore Secretary / Jungar
28-7-27

G. R. S. III—1] 1926/27 (480

GENERAL AND REVENUE SECRETARIAT.

NOTES.

File No. 287

FILE HEADING.

Exemption ~~from personal appearance~~ of Sri Raghudantha Swamigalu of Sri Akshobhya Theertha Swami Matha at Kudli, Shimoga Dt from personal appearance in civil Courts

From

The Munsif Court

C.C No. 164/26.27 Dated 29.4.27 Received 2/5/27

Diary No. 4984	Enclos. one + one ple	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Recommends that Sri Raghudantha Swamigalu of Sri Akshobhya Theertha Swami Matha at Kudli, Shimoga Taluk may be exempted from personal appearance in civil courts.

NOTES AND ORDERS.

Submd

From the file of correspondence enclosed, it seem that the Matha is one of the important Mathas and exemption may perhaps be granted. The Munsif itself may also be consulted

B 3/5/27 Asst 3/5

2) The correspondence in the enclosure of Diwan D. V. O shows that the magistrate Swamigalu was summon by the magistrate and that he wanted to avoid it. The recommendation of the Munsif Court is that

and claim exemption from appearance in civil, criminal, Revenue courts and before officers exercising quasi judicial functions.

NOTES—First Sheet.

WD 1881—GPB—30,000—1-8-21

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

File No 287 of 1926

Serial No.

may be exempted from personal appearance in Civil Courts, presumably under Sec 133 C. P. C. This may not help the Swami from exempt attending Cr. Courts.

There seems to be no provision in the Cr. Pro. code similar to Section 133 C. P. C. The only provisions which may perhaps apply are Section 503 to 508 Cr. Pro. code and under these sections it is the Court of the Magistrate which has to decide whether a commission may issue or not in the exercise of his discretion. Witnesses known residing within the jurisdiction of magistrates may be examined on Commission. 6 Bom 285 & 24 Cal 551.

As to exemption from personal appearance in Civil courts Section 133 C.P.C applies. Under that section any person whose rank, in the opinion of the Court Govt, entitles him to the privilege of exemption may be exempted by Govt from personal appearance in Civil Courts.

The enclosures to the D.U.O show that the Swami has been recognised by the Local Govts of Madras, Bombay and Bengal and by H.E.H the Nizam's Govt also and treated with honour & respect. He seems to be entitled to the exemption.

NOTE. Contn. Sheet

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

File No 287 of 1926

Serial No.

The marginal Note may be cancelled.

Secy L.D.) 28/4/5

Swamiyaru may be exempted from personal appearance before Civil Courts in the State.

1st Member
Thro Fwdsheet.

DEWAN'S OFFICE
Received on
25 MAY 1927
Reg. No. C 629

Pl 3733
5. 6. 27

FINANCIAL SECRETARY
10 MAY
No. 892

OFFICE OF THE THIRD MEMBER OF COUNCIL
13 MAY 1927
No. 3244

11-5-96 12/5

Agree. Submit to 3rd M. also. 10/5 Lee 12/5

3rd Member
Agree
CSR 13/5
13/5.
14.5

Submit with a draft
14/5

Submit with D.O. and a draft.

19/5/27 Please type the draft as required
20/5

Submit with typed draft

12023 23/5

20/5/27 I member) 22/5
Please Submit to Dewan
(a/c returned DFN.) 23/5

NOTE- Contn. Sheet

C1067 WD 01229—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat | File No | of 192

Serial No.

DEWAN'S OFFICE
Received on
20. JUN. 1927
Reg. No. 9900.

12172/26/5

If this is Scheduled or allied, it has also Subd to 2nd m. also. If not Secy. Member in charge of Finance will attend 3rd m.

23D6/4/6

10e/27/5 27/5

Subd for perusal of Secretary's order.

The D.F.N & Draft notn. are Subd.

I member) 28/26/5

II member) 28/2/6

I agree with the remarks 7.6.27

Subd with ch files - 72-26 Pts 1-2
" 103-25 Pts 1-2
212-26 Pts 1-2

SH 7/6 28/7-6

The practice is not uniform. It is only in one case that the file has been circulated to all the Members of the Council - Hajj Q. In the other cases it has been treated as a Member and Dewan Subject. Hajj P & [illegible] the D.F.N may be issued as ordered by the I member.

B 7/6/27 Apr 7/6

Subd with a pencil correction into D.F.N in the linked file, also the file was circulated (H: Q) - D.F.N Subd 28/14/6

3/ 11/5/27 Apr 31/5

Please see if it falls under the Schedule in para 4(b) 28/31/5

I member) 10e/16/6

This does not fall under the Schedule 28/2/6

SH 16/6.

28/16/6

12940/15/6

Final note signed by the Member. Sdg 16/6. Dewan

2-6

SH 16/6

28/9/6

28/9/6

NOTE Contn. Sheet S.N. Subd Apr 19/6

Final Note by the First Member of Council.

Subject:—

Exemption of Sri Raghudanta Swamigalu of Sri Akshobhya Thirtha Swami Mattha at Kudli, Shimoga Taluk.

Sri Raghudanta Swamigalu of Sri Akshobhya Thirtha Swami Mattha at Kudli, Shimoga Taluk requests that he may be exempted from personal appearance in civil, criminal and revenue courts.

It is reported by the Muzrai Commissioner that the Mattha appears to be of high antiquity and that it finds a place in the list of important Matthas entitled by their status to the first day's Biksham (Rs.50) on the occasion of the visit of the presiding Swami to the Bangalore City. The institution is enjoying some privileges in the dominions of His Exalted Highness the Nizam of Hyderabad and in the Presidencies of Bengal, Bombay and Madras. The Muzrai Commissioner recommends that the Swamigalu may be exempted from personal appearance in the civil courts in the State as a mark of personal distinction. There is no provision to exempt the Swamigalu from personal appearance in Criminal Courts.

The Dewan and the other Members of Council are agreeable to the proposal.

I solicit the gracious sanction of His Highness for exempting the Swamigalu from personal appearance in Civil Courts.

K. Chandy

MEMBER OF COUNCIL.

Camp Mysore,
18th June 1927.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* exemption of Sri Raghudanta Swamigalu of Sri Akshobhya Thirtha Swami Mattha at Kudli, Shimoga Taluk, from personal appearance in Civil Courts, *for His Highness' gracious approval.*

Mirza M. Ismail

Dewan.

20-6-27

7

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Exemption of Sri Raghudanta Swamigalu of Sri Akshobya Thirtha Swami Matha at Kudli from personal appearance in Civil Courts.

920

Order.

~~KRW~~

21/6/27

C. Bom

Jm

21/6/27

C. B

Cumbalak

21/6/27

6.25 4729

4
C480.
25/6/27.

General and Revenue Secretariat.

Exemption of Sri Raghavendra Swamigalu of Sri Akshobya Theertha Swami Matha at Kudali from personal appearance in Civil Courts.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of

*

His Highness' orders $\frac{\text{before}}{\text{after}}$ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure)

Chief Secretary to Govt.

Through the Secretary to Government.

.....Department.

FIRST MEMBER OF COUNCIL. 100 25/6

SECOND MEMBER OF COUNCIL. 23-6-

THIRD MEMBER OF COUNCIL. C89 24/6

3171/23/6

7702 26/6

3653 24/6

Sect., Law dept. with Comts.

NOTE—Contn. sheet.

Mono WD 1190—GPB—500 9-1-23.

Mayka Dasprakash put up pone 26/6

25/6. 26/6

App. F. III—2]

General and Revenue Secretariat.

File No. 761 of 192 6

Serial No.

To the Compiler M.G.
No P 658 D 30-6-27
Notifies the exemption of Sri Raghu Dasa Swamigalu of Shri Akshobhya Theertha Swamin Matha at Kudidi from personal appearance in Civil Courts—
To the Sessions Court.
The Asst Civil Court.
No 6523 D 6-7-30.
In a copy to the above.

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

No. P C 164/26-27
one & one file

S 287-26-1 4989 P 26

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE.

Bangalore, Dated 28th April 1927.

FROM

P.G. D'Souza Esq., B.A., B.L.,
MUZRAI COMMISSIONER IN MYSORE.

GEN. & REV. SECRETARIAT.
APR 1927
MUZRAI

To

P. Sreenivasa Iyengar Esq., B.A., B.L.,
Secretary to Government of His Highness
the Maharaja of Mysore, Financial Department.

SIR,

6663
30.4.27

Adverting to Government Pro. No.145-7/M.F.32c-33-11 Dated 21st September 1933 according sanction to the succession of Sri Raghu Danta Swamigalu to the Peeta of Sri Akshobhya Thirtha Swami Matha at Kudli in the Shimoga Taluk, I have the honour to forward herewith copy of letter No. Muz.1487/26-27 dated 12th April 1927 together with its enclosures from the Deputy Commissioner, Shimoga District, recommending that for reasons stated the Swamigalu may be exempted from personal ~~appl~~ appearance in the Civil Courts in the State.

I agree with the Deputy Commissioner and beg to recommend that the privilege asked for, may be conferred upon the present mathadipathi as a mark of personal distinction.

I have the honour to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

2

his Srimukha

8th

Cb287-26-2

Notification.

Under Section 133 Civil Procedure Code, the Government of His Highness the Maharaja are pleased to exempt Sri Raghu Danta Swamigalu of Shri Akshobhya Thirtha Swami Matha at Kudli, Shimoga Taluk, from personal appearance in civil courts.

By Order,

Secretary to Government,
Law Dept.

To

The Compiler, Mysore Gazette.

Copy to the Muzrai Commissioner in Mysore with reference to his letter No.P. C.164/26-27 dated 28/29-4-1927 returning the records.

Copy to the Registrar, Chief Court

" Muzrai Sectt.

KNN